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EXAMINER

MOSLEHI, FARHOOD

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 07/21/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/673,373

Applicant(s)

HEUTSCHI ET AL.

Examiner

Farhood Moslehi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-45 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 8-21, 23-28 and 32-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Farris et al. (6,151,498) (hereinafter Farris).

4. As per claim 1, Farris teaches a method for broadcasting addressed data to a plurality of users, comprising:

Providing at least one information data base includes data to be transmitted through a broadcast channel (e.g. col. 3, lines 40-45); storing transmission criteria wherein the transmission criteria includes an address of a user, or a user group, as well as an indication of the data from the information data base to be transmitted to the user or user group (e.g. col. 15, lines 10-22); automatically selecting the data to be transmitted according to the stored transmission criteria, wherein the stored data are obtained from a plurality of external information suppliers (e.g. col. 8, lines 17-25); information of at least one broadcasting channel, selected from among different broadcasting channels,

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through which the selected data are to be transmitted, is stored with the transmission criteria (e.g. col. 15, lines 10-22); and automatically selected data are transmitted through the selected broadcasting channel to the user or to the user group (e.g. Abstract).

5. As per claim 23, it is rejected for similar reasons as stated above.
6. As per claim 2, Farris teaches the method wherein at least certain of the selected data are transmitted as messages through a cellular digital mobile radio network (e.g. Figure 1).
7. As per claim 25, it is rejected for similar reasons as stated above.
8. As per claim 3, Farris teaches the method wherein at least certain of the selected data are transmitted as messages for paging systems (e.g. Figure 1, the cellular digital mobile network is used for paging as well as voice communications).
9. As per claim 26, it is rejected for similar reasons as stated above.
10. As per claim 4, Farris teaches the method wherein at least certain of the selected data are transmitted through the Internet as addressed messages including as e-mail (e.g. col. 31, lines 8-23).
11. As per claim 27, it is rejected for similar reasons as stated above.
12. As per claim 8, Farris shows the method wherein at least certain of the selected data are multimedia data (e.g. col. 4, lines 9-14).
13. As per claim 9, Farris shows the method wherein at least certain transmitted information comprises at least one order code that recipients pass on directly to a supplier to order products or services (e.g. col. 2, lines 37-47).

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14. As per claim 32, it is rejected for similar reasons as stated above.
15. As per claim 10, Farris teaches the method wherein at least certain of the users administrate criteria through at least one telecommunications system (e.g. Figure 21, T40, T38 and T36).
16. As per claim 11, it is rejected for similar reasons as stated above.
17. As per claim 33, it is rejected for similar reasons as stated above.
18. As per claim 34, it is rejected for similar reasons as stated above.
19. As per claim 12, Farris teaches the method wherein at least certain of the users administrate transmission criteria with special messages through a mobile radio network (e.g. Figure 20).
20. As per claim 35, it is rejected for similar reasons as stated above.
21. As per claim 13, Farris teaches the method wherein at least certain of the users administrate transmission criteria with standardized order codes through a mobile radio network, the identity of the users being automatically established with a user database in the mobile radio network (e.g. col. 21, lines 11-25).
22. As per claim 36, it is rejected for similar reasons as stated above.
23. As per claim 14, Farris teaches the method wherein the transmission criteria comprise at least one category of desired information (e.g. Abstract).
24. As per claim 37, it is rejected for similar reasons as stated above.
25. As per claim 15, Farris teaches the method wherein at least certain of the transmission criteria comprise at least one data service (e.g. col. 4, lines 9-14).
26. As per claim 38, it is rejected for similar reasons as stated above.

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27. As per claim 16, Farris teaches the method wherein at least certain of the transmission criteria comprise a standardized set of various data from different information providers (e.g. col. 8, lines 17-25).
28. As per claim 39, it is rejected for similar reasons as stated above.
29. As per claim 40, it is rejected for similar reasons as stated above.
30. As per claim 17, Farris teaches the method wherein data in the set comprise all the information concerning an exhibition necessary for visitors (e.g. col. 8, lines 25-35).
31. As per claim 18, Farris teaches the method wherein at least certain of the transmission criteria comprise transmission time criteria (e.g. col. 2, lines 7-20).
32. As per claim 19, it is rejected for similar reasons as stated above.
33. As per claim 41, it is rejected for similar reasons as stated above.
34. as per claim 42, it is rejected for similar reasons as stated above.
35. As per claim 20, Farris teaches the method wherein at least certain of the transmission criteria comprise event criteria (e.g. col. 2, lines 35-45).
36. As per claim 43, it is rejected for similar reasons as stated above.
37. As per claim 21, Farris teaches the method wherein at least certain of the transmission criteria indicate certain data that are filed in the information data base only if at least one user has selected the certain data (e.g. Abstract).
38. As per claim 44, it is rejected for similar reasons as stated.
39. As per claim 24, Ferris teaches the data broadcasting system further comprising a plurality of output drivers for transmission of data to the user through a corresponding

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plurality of transmission channels in accordance with the transmission criteria (e.g. col. 12, lines 40-50).

40. As per claim 28, Ferris teaches the data broadcasting system wherein the said output drivers comprise at least one driver for a DAB network to transmit selected information as a radio-accompanying service (e.g. col. 19, lines 9-17).

Claim Rejections - 35 USC § 103

41. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

42. Claims 5-7 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farris in view of Matsuse et al. (4,910,765) (hereinafter Matsuse).

43. As per claim 5, Faris does not specifically teach the method wherein at least certain of selected data are transmitted through a teletext channel as a teletext page. Matsuse teaches the method wherein at least certain of selected data are transmitted through a teletext channel as a teletext page (e.g. col. 4, lines 25-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Farris with Matsuse. The motivation would have been for other methods to display the broadcast information.

44. As per claim 29, it is rejected for similar reasons as stated above.

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45. As per claim 6, Farris does not specifically teach the method wherein at least ceratin of the selected data are transmitted through a public telecommunications network as a fax. Matsuse teaches the method wherein at least ceratin of the selected data are transmitted through a public telecommunications network as a fax (e.g. col. 4, lines 25-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Farris with Matsuse. The motivation would have been for other methods to display the broadcast information.

46. As per claim 30, it is rejected for similar reasons as stated above.

47. As per claim 7, farris does not specifically show the method wherein the data is shown on display panels. Matsuse shows the method wherein the data is shown on display panels (e.g. col. 4, lines 25-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Farris with Matsuse. The motivation would have been for other methods to display the broadcast information.

48. As per claim 31, it is rejected for similar reasons as stated above.

49. Claims 22 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farris in view of Yee et al. (6151,497) (hereinafter Yee).

50. As per claim 22, Ferris does not specifically show the method wherein the transmission of data to the user is billed with a billing system. Yee describes the method wherein the transmission of data to the user is billed with a billing system (e.g. Figure 2 and col. 4, lines 22-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ferris with Yee. The motivation would have been to keep track of the system usage with a separate gateway.

51. As per claim 45, it is rejected for similar reasons as stated above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fm

 **JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**